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Attorneys for Plaintiff KIMBERLY ALEKSICK

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

[illegible]

Pursuant to Federal Rules of Civil Procedure, Rule 26(f), a telephonic meeting was held on March 11, 2008. Appearances were made by Alison M. Miceli, counsel for Plaintiff KIMBERLY ALEKSICK, Eric A. Welter, counsel for Defendant 7-ELEVEN, and Douglas A. Dube, counsel for Defendant MICHAEL TUCKER (collectively "Parties").

1. Pre-Discovery Disclosures

The Parties will exchange by April 4, 2008 the information required by Federal Rules of Civil Procedure, Rule 26(a)(1).

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1 **2. Discovery Plan**

2 The Parties jointly propose to the Court the following discovery plan:

3 Discovery will be needed on the following subjects: (a) Plaintiff's claims; (b) Affirmative
4 defenses; and (c) Damages.

5 Plaintiff's counsel will have lead Plaintiff Kimberly Aleksick testify as a witness at trial. Ms.
6 Aleksick's current address is 611 Garrett Street, Brawley, California 92227, current phone number is
7 (760) 960-0484, and will testify regarding all claims contained in the Amended Complaint and her
8 observations of 7-Eleven's standard pay provisions.

9 Plaintiff's counsel will also have Defendant Michael Tucker testify as a witness at trial. Mr.
10 Tucker's current address is 834 Hickory Ct., Brawley, California, 92227, current phone number is
11 (760) 693-2850, and will testify regarding allegations contained in the Amended Complaint as well
12 as conversations which occurred between Ms. Aleksick and himself.

13 Plaintiff's counsel will also be calling class members (presently unknown at this time) to
14 testify as witnesses at trial. Their testimony will concern all claims contained in the Amended
15 Complaint and their observations of 7-Eleven's standard pay provisions.

16 7-Eleven's counsel expects to have the following individuals testify at trial: (1) Tom Lesser,
17 Human Resources Manager (former Market Manager for Market 2131), 7-Eleven, Inc., 9771
18 Clairemont Mesa Blvd., Suite G, San Diego, CA 92124, (858) 715-2749. Mr. Lesser is expected to
19 testify regarding the independent contractor franchise relationship with Michael Tucker, the general
20 business operations of Market 2131 during the relevant time period, and his interactions with Tucker
21 during the relevant time period; (2) Ian Hendry, Field Consultant, 7-Eleven, Inc., 9771 Clairemont
22 Mesa Blvd., Suite G, San Diego, CA 92124, (858) 715-2723. Mr. Hendry is expected to testify
23 regarding the independent contractor franchise relationship with Michael Tucker, the general business
24 operations of his subgroup and his interactions with Tucker during the relevant time period; (3) Steve
25 Bonnvile, Franchise Sales Manager, 7-Eleven, Inc., 330 E. Lambert Road, Suite 150, Brea, California
26 92821, (714) 674-4355. Mr. Bonnvile is expected to testify regarding the independent contractor
27 franchise relationship with Michael Tucker and 7-Eleven's other franchisees and can authenticate the
28 franchise agreements between 7-Eleven and Tucker; (4) Janet Henry, Director, Field Human Resources

1 (former Human Resources Manager, Southwest Division), 20819 72nd Ave S., Suite 800, Kent, WA
2 98032. Ms. Henry is expected to testify regarding the human resources practices in the Southwest
3 Division: (5) Innocent Maduka, Senior Accounting Supervisor – Payroll, 7-Eleven, Inc., Store Support
4 Center, 1722 Routh St. Suite 1000, Dallas, Texas 75201, (972) 828-7534. Mr. Maduka is expected
5 to testify regarding 7-Eleven's franchisee payroll practices and procedures: (6) Larry Borders, Payroll
6 Manager, 7-Eleven, Inc., Store Support Center, 1722 Routh St. Suite 1000, Dallas, Texas 75201, (972)
7 828-7083. Mr. Borders is expected to testify regarding 7-Eleven's franchisee payroll practices and
8 procedures.

9 7-Eleven reserves the right to call Plaintiff's co-workers from Tucker's store to testify
10 regarding Plaintiff's work hours and the pay practices at Tucker's store. 7-Eleven also reserves the
11 right to call Plaintiff, Defendant Michael Tucker, and if a class is certified, other class members, to
12 testify at trial. 7-Eleven may also call witnesses identified in discovery by all parties and any other
13 witnesses whose testimony becomes relevant or necessary based on information developed in
14 discovery.

15 Michael Tucker's counsel will have Defendant Michael Tucker, as well as Helen Rosales,
16 Meghan Patton, and employees of Defendant 7-Eleven, Inc. whose names are not yet known, testify
17 as witnesses at trial. Their testimony will concern all defenses to the claims contained in the Amended
18 Complaint.

19 Disclosure or discovery of electronically-stored information should be handled as follows:
20 The Parties do not foresee any issues relating to electronically-stored information at this time. If, in
21 the future, an issue arises in this regard the Parties will address it at that time.

22 The Parties have agreed to an order regarding claims of privilege or of protections as trial-
23 preparation material asserted after production, as follows: "The Parties may assert claims of privilege
24 if they inadvertently disclose attorney-client and/or attorney work-product information during
25 discovery." The parties request that this provision be included in the Court's scheduling order.

26 All discovery relating to Plaintiff's claims commenced in time anticipated to be completed by
27 December 5, 2008. All discovery relating to Defendants' affirmative defenses commenced in time
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1 anticipated to be completed by December 5, 2008. All non-expert discovery anticipated to be
2 completed by December 5, 2008.

3 Reports from retained experts under Rule 26(a)(2) due from Plaintiff and Defendants by
4 approximately December 5, 2008. Reports from retained experts under Rule 26(a)(2) to rebut any
5 expert who provides a report by December 5, 2008, are due from Plaintiff and Defendants by
6 approximately January 2, 2009. All expert depositions to be completed by February 6, 2009. All
7 expert discovery anticipated to be completed by February 6, 2009.

8 Maximum of 25 interrogatories by each party to any other party. Responses due 30 days after
9 service. Maximum of 25 requests for admissions by each party to any other party. Responses due 30
10 days after service. The requests for production of documents will not be limited. Responses due 30
11 days after service. Maximum of 10 depositions by Plaintiff and 10 depositions by each Defendant.
12 Each deposition is limited to one (1) day for a maximum of seven (7) hours unless extended by
13 agreement of the Parties.

14 Supplementations under Rule 26(e) are due within 30 days if the disclosure or response is
15 materially incomplete or incorrect and if the additional or corrective information has not otherwise
16 been made known to the other parties during the discovery process or in writing.

17 **3. Other Items**

18 Settlement is unlikely at this time.

19 The Parties do not request a conference with the Court before entry of the scheduling order.

20 Plaintiff and Defendants should be allowed until June 30, 2008 to join additional parties and
21 until June 30, 2008 to amend the pleadings.

22 All potentially dispositive motions should be filed by approximately March 6, 2009.

23 The Parties request a pretrial conference in approximately May 2009.

24 Final lists of witnesses and exhibits under Rule 26(a)(3) should be due from Plaintiff and
25 Defendants by approximately May 1, 2009. Parties should have 28 days after service of final lists of
26 witnesses and exhibits to list objections under Rule 26(a)(3).

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1 This case should be ready for trial by approximately June 2009 and at this time is expected
2 to take approximately 7-10 days.

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4 Dated: March 18, 2008

SULLIVAN & CHRISTIANI, LLP

/s/ Alison M. Miceli

6 William B. Sullivan.
7 Alison M. Miceli.
8 Attorneys for Plaintiff.
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